IN THE HIGH COURT OF JUDICATURE; ANDHRA PRADESH; AT HYDERABAD

(ORIGINAL JURISDICTION)

THURSDAY THE TWENTY THIRD DAY OF SEPTEMBER

TWO THOUSAND AND FOUR

: PRESENT:

THE HON`BLE MR. JUSTICE: **J. CHELAMESWAR**

AND

THE HON`BLE MR. JUSTICE: **GODA RAGHURAM**

C.A. NO. **984 OF 2004**

IN

C.C. No. 1069 of 2004

Between:

A.N. Tiwari, Secretary, Ministry of Personal P.G. and Pensions Department of Personnel and Training, New Delhi.

…Petitioner

(Respondent No. 2 in C.C. No. 1069 of 2004 on the file of the High Court)

AND

1. Shri Mohan Kanda, Chief Secretary, Government of Andhra Pradesh, Hyderabad.
2. Shri Jayender Singh, Secretary, Union Public Service Commission, New Delhi.

… Respondents

(Respondents 1 & 3 in do)

3. M. Veerabhadraiah, S/o. Sri M. Koteswara Rao, Hyderabad.

…….. Respondents

(Petitioner in do)

Application filed under Section 151 of C.P.C. praying High Court to dispense with the personal appearance of the Petitioner herein and 2nd respondent on dated: 29-09-2004 in the C.C. No. 1069 of 2004 dated: 01-09-2004 in the interest of justice and equity.

The Application Coming on for hearing upon perusing the Application and affidavit filed herein and the order of the High Court dated: 01-09-2004, and made in C.C. No. 1069 of 2004 and upon hearing the arguments of Mr. M. Ratna Reddy, Advocate for the petitioner and Mr. M. Surender Rao, Advocate for the respondent No. 3 and the Advocate General for the respondents, the Court made the following

ORDER:

"This petition is filed by the Second respondent in the Contempt Case with the

"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon`ble Court may be pleased to dispense with the personal appearance of the petitioner herein and 2nd respondent on dated: 29-09-2004 in the C.C. No. dated: 01-09-2004 in the interest of justice and pass such other order or orders as this Hon`ble Court may deem fit and proper in the circumstances of the case".

It is stated in the affidavit filed in support of the petition, the reasons for not being able to attend the court and also that the order of this Court dated: 23-09-2003 in W.P. No. 4056 of 2002 has since been

complied with, in view of the orders issued by the Second respondent dated: 21-09-2004.

The learned counsel for the petitioner however disputes the statement that the order in the Writ Petition has been complied with, however, that is a matter to be decided while hearing the Contempt Case.

Accepting the reasons stated in the affidavit filed in support of C.A. 984 of 2004, the presence of the second respondent is dispensed with for the time being".

JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

..2..

To

1. A.N. Tiwari, Secretary, Ministry of Personal P.G. and Pensions Department of Personnel and Training, New Delhi. (BY RPAD)
2. Shri Mohan Kanda, Chief Secretary, Government of Andhra Pradesh, Hyderabad.
3. Shri Jayender Singh, Secretary, Union Public Service Commission, New Delhi. (BY RPAD)
4. M. Veerabhadraiah, S/o. Sri M. Koteswara Rao, Hyderabad. (2 & 4 BY SPECIAL MESSENGER)
5. Two CCs to the Advocate General, High Court of A.P., Hyderabad. (OUT)
6. One spare copy.

Ksv

HIGH COURT

Ksv
Date of drafting: 29-09-20040

JCJ
&
GRJ

DATE: 23-09-2004

ORDER

C.A. NO. 984 OF 2004
IN
C.C. NO. 1069 of 2004

DISPENSE WITH THE PRESENCE
OF THE RESPONDENT NO. 2